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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.732 OF 2007

Sudarshan Shetty & Anr. ... Petitioners

Vs.

The President
Billawar Association & Ors. ... Respondents

Mr. G.S. Godbole i/b Mr. Himanshu V. Kode for the petitioners.

Mr. Pradeep Sacheti with Mr. Mohana Nair and Mr. Anshuman Jagtap i/b JMB Partners for respondent 1.

Mr. K.R. Belosey, Government Pleader, for respondents 4 to 8.

CORAM : SMT. RANJANA DESAI &
D. B. BHOSALE, JJ.

DATED : 25TH APRIL, 2007.

P.C.:-

1. We have heard the learned counsel for the parties. We have perused the order dated 14/12/2005 passed by this court in Writ Petition No.2609 of 2005 filed by the petitioner. We have also perused the impugned letter dated 19/1/2006 addressed to the petitioner by the Executive Engineer, (Building Proposal), Western Suburbs, H & K/E Wards.

2. Having perused the said order and the said letter, we find that this petition involves disputed questions of fact, which we are unable to decide in

our writ jurisdiction. Hence, the petition cannot be entertained and is disposed of as such. However, if the petitioner has any alternative remedy, he will be free to adopt it.

3. We make it clear that we have not expressed any opinion on the merits of the case.

4. All contentions raised in the petition are kept open.

[SMT. RANJANA DESAI, J.]

[D. B. BHOSALE, J.]